

### AMENDMENTS TO THE CLAIMS

This claim listing will replace all prior versions and listings of all claims in the application.

1. – 5. (Withdrawn)
6. (Currently Amended) A method for the identification of a hyperproliferative disease, ~~in particular benign and malignant tumors, or a genetic predisposition thereof,~~ which comprises detecting in a body fluid or a tissue sample of a subject in need thereof a change in the expression level of an ELP protein or at least one mutation within a nucleic acid sequence encoding an ELP protein or detecting a rearrangement in the genomic elp locus and correlating said change in expression level, mutation or rearrangement with a standard indicative of a hyperproliferative disease to determine the occurrence of a hyperproliferative disease.
7. (Original) The method of claim 6 wherein said mutation is located within the DNA region coding for the ENTH domain, in the 5' untranslated region, in a codon encoding an evolutionary conserved amino acid, in the promoter or in a splicing site.
8. (Previously Presented) The method of claim 6 wherein said mutation leads to a non-functional ELP protein, to a reduced protein expression or no protein, or a fusion protein.
9. (Currently Amended) The method of claim 6, wherein said nucleic acid sequence encoding an ELP protein is selected from Seq. Id. No. 1 ~~or the nucleic acid sequence as defined in claim 2~~ or a nucleic acid sequence encoding an ELP protein having an amino acid sequence as set forth in Seq. Id. No. 5.
10. (Previously Presented) The method of claim 6, wherein the disease is lung cancer.

11. (Previously Presented) The method of claim 6, wherein the disease is kidney cancer.
12. (Previously Presented) The method of claim 6, wherein the disease is stomach cancer.
13. 13. – 27. (Withdrawn)